

Testimony on Senate Bill 396
to
the Senate Ways and Means Committee

by Constantine V. Cotsoradis
Deputy Secretary
Kansas Department of Agriculture

February 3, 2010

Good morning, Chairman Emler and members of the committee. I am Constantine Cotsoradis, deputy secretary of agriculture, and I am here in support of Senate Bill 396

This bill creates a source of funds for the Kansas department of agriculture laboratory equipment fund created by K.S.A. 74-554. Moneys from this fund will be used for the acquisition, maintenance and replacement of equipment used in the department's agriculture laboratory. This bill has three key points:

1. It does not increase fees or establish new fees,
2. It does not change how current fees are to be used, and
3. The establishment of the laboratory fee fund is critical to insure vital analytical services are provided for regulatory purposes and for support of our agricultural, manufacturing and service industries.

Our laboratory is effective only if the equipment is up-to-date and functions properly. New instruments generally cost from \$10,000 to more than \$300,000. Laboratory instruments are used to analyze a wide variety of products. For example, we analyze raw milk for somatic cells, an indication of milk quality. We test feed for protein content and to ensure it is free from adulterants harmful to animals. Vegetation samples are analyzed to determine if humans were exposed to or a producer's crop was damaged by pesticide drift. Raw and ready-to-eat meat products are analyzed to determine if they are contaminated with harmful and even deadly pathogens.

Without access to reliable laboratory instruments, not only will the laboratory and its associated department regulatory programs be halted, industry will be negatively impacted as well. The dairy industry, for example, will not be in compliance with the Interstate Milk Shippers agreement affecting its ability to market milk. Feed lots and cattle producers may unknowingly purchase contaminated feed. Cattle may be fed prohibited materials, thus subjecting producers to financial hardships and damaging consumer confidence in beef both nationally and internationally.

Our laboratory instruments are used daily to serve our constituents. It is easy to become complacent and forget their importance. A very serious situation like the one two years ago reminds us of our important mission. You may recall that during the summer of 2008 our wheat harvest was threatened by the late application of a fungicide. We had to convince the food and drug administration, the environmental protection agency and the United States department of

agriculture that the wheat being harvested did not contain unsafe levels of the fungicide. We had to assure the federal authorities that the wheat could be marketed as a safe food product. In that case, we used our LC/MS/MS instrument to analyze wheat samples from across the state and convince those federal agencies. Without the LC/MS/MS we could not have protected our harvest and assured the consumer that the wheat was safe. Many of you are aware of this event, but most do not realize that this instrument went down during a critical analytical phase. Fortunately, it was quickly repaired. Had the problem been more serious, farmers and our economy could have faced a financial disaster. We have requested the funds to purchase another LC/MS/MS not only for pesticide analysis, but to analyze feed for harmful adulterants such as melamine.

Our laboratories need a reliable source to fund the purchase and maintenance of laboratory instrumentation. These instruments are necessary to continue to provide the high-level of regulatory assurance that both consumers and industry require of us.

The creation of the laboratory fee fund provides the funding mechanism without increasing fees or imposing any financial burdens on the taxpayer.

I will answer questions at the appropriate time.